

TANNER & ORTEGA, L.L.P.

ATTORNEYS AT LAW
WWW.TANNERORTEGA.COM

HOWARD E. TANNER*

HUGO G. ORTEGA

*MEMBER OF N.Y., N.J. AND D.C. BAR

NEW YORK CITY OFFICE
299 BROADWAY
SUITE 1700
NEW YORK, NY 10007
OFFICE: (212) 962-1333
FAX: (212) 962-1778

WHITE PLAINS OFFICE
175 MAIN STREET
SUITE 800
WHITE PLAINS, NY 10601
OFFICE: (914) 358-5998
FAX: (914) 761-0995

October 12, 2022

Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

By ECF and Email/PDF

Re: *USA v. Fernandez, et al.*, 22 Cr. 199 (LGS)
Joint Defense Letter Motion for Adjournment of Status
Conference and Extension of Briefing Schedule

Dear Judge Schofield:

I am retained to represent defendant Miguel Arce in the above matter. The next status conference date is scheduled for Monday, October 17, 2022 at 10:30 am. After I filed my Notice of Appearance in this case, the Court granted, in part, my application for an extension of the briefing schedule with defense motions due by Friday, October 28, 2022 (ECF Doc No. 35).

I write to the Court, joined by Dawn Florio, Esq., co-counsel for defendant Ana Fernandez, to request an adjournment of the aforementioned status conference and for a 60-day extension of the motion schedule. I am informed by Ms. Florio that she is currently engaged on trial in a state criminal case in Bronx County and therefore cannot appear on October 17, 2022.¹ Furthermore, there is still voluminous electronic cellphone discovery that has not yet been disclosed, which counsel will need time to review, and which may impact defense motions. Finally, an extension will also allow the parties to continue engaging in discussions for a pretrial resolution of this case, possibly negating the need for any motions. The Government consents to these applications.

If granted, co-counsel Dawn Florio and I consent to the exclusion of time from today until the date of the next pretrial conference to be set by the Court, pursuant to 18 USC §3161(h)(7)(A).

¹ Should the status conference not be adjourned, I will offer to stand in for Ms. Florio.

Thank you, Your Honor, for your consideration of this matter.

Very truly yours,

Tanner & Ortega, L.L.P.



Howard E. Tanner

cc: AUSA Kevin Mead (By ECF and Email/PDF)
AUSA Michael Herman (By ECF and Email/PDF)
Dawn Florio, Esq. (By ECF and Email/PDF)

Application Granted in part. By **October 18, 2022**, the Government shall file a status letter regarding any outstanding Rule 16 discovery. The status conference currently scheduled for October 17, 2022, is adjourned to **October 25, 2022, at 10:45 a.m.** The Court finds that the ends of justice served by excluding the time between today and October 25, 2022, outweigh the best interests of the public and the Defendants in a speedy trial as provided in 18 U.S.C. § 3161(h)(7)(A) because, among other things, the parties need additional time to review discovery and contemplate the filing of any pretrial motions. It is hereby ORDERED that the time between today and October 25, 2022, is excluded. The Clerk of the Court is directed to terminate the letter motion at docket number 36.

Dated: October 12, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE